

MINUTES
KITTY HAWK TOWN COUNCIL
Tuesday, July 6, 2021
Kitty Hawk Town Hall, 6 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentation of Service Awards
 - Fire Captain Chris Dixon/5 Years
 - Firefighter Engineer Joe Case/5 Years
 - Firefighter Engineer Kyle Stotler/5 Years
 - Master Firefighter David McCulloch/5 Years
5. Public Comment
6. Consent Agenda
 - a.) Approval of June 7, 2021 Council Minutes
 - b.) Donation to the Police Department
7. Items Removed from the Consent Agenda
8. Public Hearing
 - a.) Subdivision Variance: Southern Woods Phase I, Hornbeam Rd. Applicant has requested a subdivision variance to create a buildable lot from a parcel smaller than minimum required for zoning district.
9. Planning
 - a.) McCollough Subdivision – 740 W Kitty Hawk Rd; proposed four lot subdivision review.
 - b.) Town Code Text Amendment. Chapter 8.- Buildings and Building Regulations. Staff proposes amendments to the existing language to bring the chapter in conformity with NCGS Chapter 160D. (Ord. No. 21-07)
10. New Business
 - a.) Agreement with Manns Woodward Studios for Architectural Services. (Task I)
 - b.) Discussion of the Purchase of Two Stormwater Pumps
11. Reports/General Comments from Town Manager
12. Reports/General Comments from Town Attorney
13. Reports/General Comments from Town Council
14. Adjourn

COUNCILMEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman David Hines, Councilwoman Lynne McClean and Councilman Jeff Pruitt

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STAFF MEMBERS PRESENT:

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Planning Director Rob Testerman, Management Assistant Melody Clopton, Police Sergeant Jeff Wiggins, Fire Chief Mike Talley and Public Works Director Willie Midgett

1. CALL TO ORDER

Mayor Perry called this meeting to order at 6 p.m.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence, the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

MPT Garriss made a motion, seconded by Councilwoman McClean, to approve the agenda. The vote was unanimous, 5-0.

4. PRESENTATION OF SERVICE AWARDS

- Fire Captain Chris Dixon
- Firefighter Engineer Joe Case
- Firefighter Engineer Kyle Stotler
- Master Firefighter David McCulloch

Fire Chief Mike Talley introduced and presented each of the above with their 5-year service award. Council thanked them for their service to the town.

5. PUBLIC COMMENT

1. Lynnette Fenton, 4010 N. Smith Street, Kitty Hawk, NC: *Good evening. I have been a resident for 25 years in Kitty Hawk. I would like to address the safety of the 158 Bypass. In specific references to pedestrians, pets and as we found out this week even cars. Specifically, if we could maybe look at Luke Street down to the Kitty Hawk/KDH border. There are a lot of impacts about the 50 miles an hour that continues all through our town and we take the impact as locals. We also make it a driving community which takes away our health and our wellbeing. There are only two real places to safely get across, at Eckner and at a very dangerous location at the intersection. I know we can all pull together to look at this. If we do not look at it now, we are behind the times. Other communities have really taken a close look at reducing speed limits. You know 50 is the minimum. It only goes up from there by the time they hit Eckner which leads into more of our commercial area of Kitty Hawk.*

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We are losing something. We are missing something as a community. We are missing the chance for Kitty Hawk I think to be a place where we want to really dig in. We have a deep history here and we are fluttering it by, by having people zoom around and make our highway unsafe. The beach road has its place at 35 but I know we can look at 158. I know we all care about it and it has to be addressed. We saw something tragic this week that we do not want to happen. And if we could pull together, I know ... I have had a conversation with Andy. He did say it is a state-owned road. In doing a little research some state transportation departments give police departments money in the summertime to help increase cop exposure.

Maybe talk to DOT about a summertime speed limit versus a wintertime speed limit. Even if our speed limit was lowered our traffic would flow. Thank you.

Council thanked Ms. Fenton.

There were no other speakers.

6. CONSENT AGENDA

a.) Approval of June 7, 2021 Council Minutes. *(An approval of the consent agenda will approve these minutes.)*

b.) Donation to the Police Department. Craig T. Mathias has donated \$100 to the police department and the police chief would like for it to be allocated for future purchases of AED supplies (automated external defibrillator). *(An affirmative vote for the consent agenda will accept this donation.)*

Councilman Pruitt made a motion, seconded by Councilwoman McClean, to approve the consent agenda. The vote was unanimous, 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed.

8. PUBLIC HEARING

a.) Subdivision Variance: Southern Woods Phase I, Hornbeam Rd. Applicant has requested a subdivision variance to create a buildable lot from a parcel smaller than minimum required for zoning district.

MPT Garriss made a motion to go into public hearing. It was seconded by Councilwoman McClean and passed unanimously, 5-0.

Planner Testerman reviewed the following memo.

The Kitty Hawk Subdivision Ordinance, Sec. 38-10 states "Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this chapter would cause an unnecessary hardship, or it appears that the interest of the town would not be best served, the planning board may refer the matter to the town council

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and the town council may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the planning board and of the town council and the reasoning on which the departure was justified set forth.”

Proposal

The applicant has requested a variance from 38-105(b)1, which establishes that the minimum lot size of the zoning district be met. The lot in question is located within the Kitty Hawk Woods, KHW district. Minimum lot size in the district is 80,000 square feet, not to include marsh, or ponds, or wetland areas. The proposed variance would allow the creation of one new buildable lot, 38,554 sq. ft. in size.

The KHW district sets the minimum required lot width, measured at the building setback line as 200 feet, meaning if approved, the front of the lot would be required to be the long section that fronts Hornbeam Rd. the KHW district has a minimum front yard setback of 15 feet, and rear yard setback of 10 feet, which according to the attached survey, would leave approximately 49 feet of buildable area between the setbacks. The minimum side yard setback is 10 feet as well. However, the covenants of the subdivision have the setbacks listed as “25 feet from any street or roadway”, 15 feet from the side lot lines, and 25 feet from the rear lot line; although the Town does not enforce subdivision covenants and restrictions.

Background

This parcel was part of the approval of the Southern Woods Phase I subdivision, approved in 1993. Southern Woods Phase I was approved as a ten-lot subdivision, plus the subject parcel, which was intended as a buffer between the new lots being developed on Hornbeam Rd. and the existing lots on The Woods Rd. It appears as though the initial plan was for this parcel to be split and dedicated to the property owners fronting The Woods Rd, by simply extending their property lines back to Hornbeam, however this was not done as the Town subdivision ordinance discourages “double frontage” lots. At that point, it was determined that this parcel would be turned over to the Homeowners Association at some point in time, presumably after a certain number of lots were sold. According to Planning Board Member Jim Geraghty, who was involved in the initial development of Southern Woods Phase I, once control of the HOA was handed over to the property owners, they disbanded the association, and until 2020, it remained in ownership of one of the developing partners, until the applicants purchased it, hoping to develop a small single-family dwelling.

There could be an argument to attempted that the Town would be better served by allowing the variance, as the additional lot would increase the tax base, although one would need to consider the impact to property values of adjacent properties as well. Alternatively, the variance would create a buildable lot that is just under half of the minimum lot size of the KHW district, intended for low density residential development, and a district which has the intent to preserve land in a natural state, to the extent possible and preserve natural features and functions of the area.

Planning Board Recommendation

At its May 27, 2021 meeting, the Planning Board unanimously recommended denial of the proposed subdivision variance.

Pruitt: *This property was purchased from the original developer of the subdivision?*

Testerman: *Yes. One of the original partners for that development.*

Pruitt: *Was that recently?*

Testerman: *October.*

Clerk Morris asked the mayor to call a brief recess. The videographer indicated there is a problem transmitting the meeting on YouTube. (There was also a problem with transmitting the meeting over the telephone.) Time was 6:16.

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Mayor Perry called the meeting back to order at 6:26 p.m. and announced council is still in a public hearing.

1. Judith Fisher, 5033 The Woods Road, Kitty Hawk, NC: *I have lived on this road for 27 years and change. I bought the lot way back when and I bought it because I wanted to live on The Woods Road. My sister and brother-in-law live right down the street. He built the house for me. I moved there because I wanted to be in the woods. The bike path is nice.*

As I said when we were meeting I did not ... the man next door bought the house from another lady who had lived there a long time. He bought the house from her, redid the house, it is beautiful. Cut down a lot of trees. I explained that last time between my yard and his yard that did not make me all that happy, but it was okay because the place looked nice _____ on the other side I did not have to look at it ... and here lately I explained there is all kinds of stuff in his yard now, trailer for his business, air stream trailer, another trailer. So now when I walk out on my back deck and look left that is all I see.

So, when I heard he was going to try to ... had bought this piece of property to try and build behind me I thought if you look up at that the only place he can do anything I would think if it did get passed would be right in front of me on my property to the left. It is the fattest part. My neighbor on the other side Jerome ... we always heard, we were always told it was a buffer and nobody could ever build on it. There was not enough land. Clearly it sounds like there is not, but he is trying to get a variance and I just do not think that is fair to the people who have lived there all that time. He has lived there maybe 5 to 7 years. And my position has not changed. I do not want him to do it because I feel like he is going to have to clear all my woods to build it and I just feel like I moved there for a reason. I do not want strangers staying behind me in an Airbnb and I do not want to have to look at an Airbnb. That is basically it. I just I do not want him to get the variance because no matter what he says ... it is going to be a flat top, it will be nice, it is still going to be ... I can already see the house across the street ... it is what it is, and it is farther away. In the summer you do not see it. I just do not feel like it is fair to the people that already _____ what he is going to do this year and Jim Geraghty even said that we, they _____ little parcel told me a homeowner's association _____ bought these lots and said hey if you do it ... if you do a what is the word? I am sorry I am losing my train of thought but if we, I cannot think of (3-minute timer) _____ then they would sign over that part of the property like he was mentioning.

Perry: *I think we all get the gist of it. I do have a question for you. When you bought, or at any time since you have been there, did you know there was an association? A homeowner's association to tend to that piece of land.*

Fisher: *I did ... all I know about behind my property that I told people for years is when they asked can anybody build behind you, I was like no. I was told it is a buffer zone when I bought it. I knew it was something because they have a sign that says Southern Woods and usually when that is the case there is, but I mean if I had known the property was for sale ... if I ever thought anybody*

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could build on it _____. Jerome and I were talking we probably would have bought it, but we did not know. I mean nobody really knew.

Perry: Thank you.

Pruitt: You were never asked to be a part of a homeowner's association at any time since you have lived there or known of anybody trying to form a homeowner's association?

Fisher: No. But to be honest when I saw Southern Woods it is kind of past me _____ and it is kind of ... I thought Southern Woods was back there on that side.

Pruitt: You were never given the opportunity as a group to purchase this property?

Fisher: No

Hines: Are your adjoining neighbors also under the assumption that nothing was ever going to be done there?

Fisher: Jerome was and _____. She probably thought that too, but she does not own it anymore, Abram owns it. _____ farther down I do not really know him. That house has changed hands a lot, but it really does not affect the guy it really affects me, my side _____ Jerome does. _____ because there is more land behind me. But being that it is only half the size _____.

Perry: Do you know the reason behind why the town council ... why the code says no double entry?

Testerman: I have not come across why. Casey and I have talked about it. Our ordinance discourages it but does not prohibit it.

Perry: Anything you can think of Casey?

Varnell: None.

Perry: Just the mindset at the time.

Varnell: Had to of been. It is not something that pops up very often.

Perry: I would not think so. I was just wondering if you knew the history. Is there anyone else here that wants to speak to the subject?

2. Louann Heller, 5101 Hornbeam Lane, Kitty Hawk, NC: Sorry Alejo could not be here he sends his regrets. Many of you are familiar to us.

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First of all, I would like to say the Skibo's are awesome people. I really like them. Their Airbnb _____ has not been an issue. It is quiet, they did a good job _____ quaint and cute. The main reason I do not have an issue with it is because it accesses from The Woods Road which is the proper way you know.

We purchased the property in 1993 from Oyster Bay, Mr. Geraghty at the time. When we purchased this property one of the main, there are many because it is a great piece of property but one of the main things we liked about it is because it is a private road. At the time we were Lot 1, Phase I so we were like the first people to purchase in there. When we went to look at the property, we were given this plat which is the plat in Dare County and it says right on it that the property is to be dedicated to the Southern Woods Homeowner's Association. At the time we were told that we could make a homeowner's association if we so decide. They even drew up some covenants for that for which they applied to subdivide this property. And I have a promissory note that it would be sold to us after it was approved by the county, town, I am not real sure how that works. So, my, I guess thought is, and question is, why is this now being sold? I went back and looked at ... had I known that there was a tax, I had no idea that there is a tax assessment on this piece of property, and it turns out apparently somebody else did not know either because it was paid all at one time. You can only go back 10 years, but they paid it in October. Whatever happened in October, I guess the sale of the property, but it looks to me like 20 years was paid in October. So, I am thinking after the fact, after 25 years of being there, why now is this property being sold just because we did not officially open a homeowner's association. To me this property has been a part of the people in front and the people in back.

I did read the minutes from the last meeting where it said something about they had planned on maybe ... one of the plans was to extend the front lots back to the _____. That was never brought to my attention and as far as starting a homeowner's association I have always known that we could do that but many of us are in business ourselves and that is just ... the main reason (3-minute timer) we did not build in Colington where we were is because of the covenants. But I always assumed that not only this piece of property which keeps that road private and not accessible is ...

Perry: *Thank you. We know where you are coming from and understand the situation.*

Heller: *I just question the legality of it. I mean what got missed when it was applied for? How did that get missed that this was not part ... tax assessment in our lots?*

Perry: *I am going to let the attorney try and answer your question. That is not something council would ...*

Varnell: *The Town of Kitty Hawk would never be involved in the approval of a sale of a piece of property.*

Heller: *Of a subdivision? Because they originally ...*

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Varnell: *The subdivision is a totally different animal and that is what has been described when this property was presented to the town. If you look in the minutes there it shows you ...*

Heller: *And where is that?*

Varnell: *The town council minutes from when this subdivision was approved. It was intended to be a buffer is what the developer was putting forward.*

Heller: *The developer told me otherwise.*

Varnell: *No problem but that has nothing to do with the developer later selling that sliver of land. That is an issue between you and the developer and is not something Kitty Hawk would have said to the developer you have not turned this ... you have not deeded this to a homeowner's association, or you have not deeded this to other lot owners in that subdivision. It is not something that Kitty Hawk then gets to say you do not get a right to sell a piece of property you still own and that is what the developer did in this case. He still owned ...*

Heller: *He said it was a promissory to the homeowner's association.*

Varnell: *That is where it goes back to ...*

Heller: *_____ subdivision.*

Varnell: *But that is not a Kitty Hawk issue. That is nothing Kitty Hawk would have ever approved.*

Heller: *Sure. I am just trying to figure out ...*

Varnell: *Or ever have to approve.*

Heller: *Right. So where did he submit the set of covenants per se to say this was a subdivision to get it approved?*

Varnell: *The actual plat?*

Heller: *The actual ... does he not like send you covenants and says this is the subdivision this is ...*

Varnell: *Right and that would have all occurred but that still has nothing to do with his ability to sell that piece of property later.*

Heller: *Well, I would firmly disagree with that.*

Varnell: *I would invite you to go to a lawyer and ask.*

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Heller: *And that is without even thinking about the building on the property. Our road is very small. You can fit one car. You have to pull way over.*

Perry: *I know you are not happy. We understand that.*

Heller: *Like I said I am not, not happy with the Skibo's because they are obviously doing what is good for them and I sure do not blame them, but I do feel like there is a discrepancy somewhere.*

Perry: *Well obviously there was but it is not something we are dealing with here tonight.*

Heller: _____ *I understand completely. Thank you for your time.*

3. Jennifer Hill, 5031 Hornbeam Lane, Kitty Hawk, NC: *I just want to let you all know that I am against building on that property. My husband and I have lived here since 2002. We bought the property in 2014 and the reason we bought the property is because of the large plots, the Kitty Hawk Woods was behind us and unbuildable, there was a buffer zone in front of us and there was no homeowner's association. So, the whole reason we bought that is so we would have privacy. We were never told that there could be a homeowner's association. I just feel like you guys know that we are completely against it. It changes the whole idea ... we were building our dream home there and I do not know if I want to build it if they build in front of us. Thank you.*

Heller: *Can I say one more thing? I am sorry. I too question like equipment going up and down the road not that I do not ... I want people to be able to do what they want with their property but as far as driveways on Hornbeam Road I am just not ...*

Perry: *I think we just determined that we could not stop a double entry or an exit in this case.*

Testerman: _____ *private road.*

Heller: *On a private road?*

Hill: *Can you explain what you mean by a double entry.*

Testerman: *Double frontage lots. Any of these lots where Jim Geraghty mentioned that at one point they had talked about extending the lot line back. That would create a double frontage lot. Frontage on The Woods Road and Hornbeam. The ordinance tries to discourage that. But as far as driveways and driving on Hornbeam Road, being a private road, I do not believe the town has much say in it.*

Varnell: *That is correct.*

Hill: *So, if I have that piece of property since way back when and have a survey ... I could not put a driveway on it, or they would not want me to?*

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Perry: *We are getting off the subject of what we are supposed to do. We understand you do not like it. I do not think any of us like it either. We are going to make a determination here in just a few minutes, but we want to hear from all of you that want to speak. Is there anyone else?*

4. Dave Harvey, 5017 Hornbeam Road, Kitty Hawk, NC: *I am going to try not to repeat what people have already said. When I bought my home, I was told by the realtor that there was an unbuildable lot and it made it that much more attractive. So, I am opposed to anything changing on that lot. It changes ... you cut a single tree down, in my opinion, you have changed the essential nature of the lot in that neighborhood. It is a maritime forest, there are swales on that property beyond that an Airbnb or whatever else the applicant wants to do with that piece of property. He told me personally he wanted to park his commercial vehicles on it. I cannot think of anything that would decrease our property values more than that.*

Beyond that, and Louann touched on this just a little bit, Hornbeam Road is a very narrow lane with a 90 degree absolutely blind turn. If you are looking at the site map, my house sits right at that corner. Every one of us that lives on Hornbeam can tell you that they have had a near miss either with another vehicle or people walking. I almost have been hit myself twice by a delivery truck. You cannot see around that bend. Additionally, with traffic on that road it is only a matter of time. There are kids that play on that road, ride their bikes, people walk, we walk out to The Woods Road to get our mail. It is just a disaster I think. That is it. Thanks for your time. Please do not undo 30 years of conservancy here. Kitty Hawk has done a wonderful job. It makes Kitty Hawk different than the other beach towns and I appreciate it.

5. Leslie Gilmore, 5001 Hornbeam Lane, Kitty Hawk, NC: *I just want to make sure I understand. There is not enough square footage on this lot to be, right now, a buildable lot without a variance in Kitty Hawk. Is that what I understand? (Council replied that is correct.) So, if this lot gets a variance what happens to the lot next to it and what happens to all of us who own more than one acre on that lane? Are we able to subdivide and sell it? What does this do to my neighborhood with property values the way they are right now? And with everybody being able to rent out a bedroom in their residence for \$850 a month, no questions asked, with a waiting line and Airbnb units renting like hotcakes.*

I own a vacation rental company. I know what I can do from having a vacation rental over on Hornbeam. I know that there is a place between my lot and Dave's, a lot which would be perfect for me to put up a new property and run the heck out of it. I do not want to do that, and I do not want anyone else to do that on my lane, but I do believe in private property rights.

So, what I want to know is if this guy gets a variance, the telephone company next door to him decides to sell, and our lane is already ... is not a lane anymore as we know it. What do the rest of us do who have more property than we need right now? I have two and a half acres. So, it is a maritime forest, there are two creeks going back there but if I wanted to ... what happens if I want to subdivide, what happens if my neighbors want to subdivide and we end up with a whole street

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of Airbnb units? Is there anything that we can do to stop it? Do you have any power to stop it or are we all just here wasting our time?

Perry: *Your speaking is the way. We listen to you and that will do as much as anything. Everybody has a right to ask for a variance or other things like that. You would have the same right, but you would have to come before this council and council would have to weigh the consequences ...*

Gilmore: *And it would be based on previous decisions made here. On a precedent?*

Perry: *We are going to make a decision tonight.*

Gilmore: *Thank you.*

6. Jason Wall, 5037 Hornbeam Lane, Kitty Hawk, NC: *I cannot say that I have been here for that long. I moved to Hornbeam about 3 or 4 years ago and we love it there. Perfect place to raise your kids. It is beautiful, it is quiet and there is not a lot of traffic on the road. As everybody mentioned there has been a lot of additional traffic because they cut the driveway through. I know everybody said that. I am just reiterating. But this driveway that he cut through comes right out in front of my house. I understand we all have businesses. All of us that live on that street own our own business pretty much and it is great because we are all on the same page. But I do not think it is right for him to be able to shoot out a driveway straight in front of my house where that is the main place my kids play. I have four kids and as mentioned we have that blind turn. I mean we could do something about that but the fact that somebody cuts a driveway out right in front of my house where my kids are playing, I do not think that is right.*

He came to me and asked me and told me his intention was to do an Airbnb. Well, the other thing is he already has one Airbnb there which I guess as said before, everybody is trying to do what is right for them. Fair enough. Lights are on all night. It is a disturbance. Nice that it is dark back off The Woods Road. Everybody that is familiar with it knows it is one of the great things about it so to put another one there I do not think it is right.

Obviously, I am upset because he came to me and asked directly and then I have to spend time doing this. I do not think it is right and obviously everybody is on the same page as far as everybody that lives there.

I am sure we would all be willing to start a homeowner's association and buy the guy out at a fair price just to resolve it and that way we can all move past this. Maybe then he is not at a loss for buying the property. That is all I have. Sorry. Thank you.

Perry: *Nothing to be sorry about. Is the applicant here?*

Wall: *No.*

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Perry: Casey. The private road. If I understand it correctly there are limits on what even the police can do on that road. Is that correct?

Varnell: That is correct.

Perry: Do you know what the limits are?

Varnell: I do not. I know that you have to provide reasonable access of course for emergency services but beyond that ... for example putting up a gate, things of that nature is not allowed without approval. There are limitations, access being the key.

Perry: But it is a private road. The town itself does not have a lot of control over it.

Varnell: That is exactly right.

Perry: Is there anyone else that wishes to speak?

No one else came forward.

Perry: I have a question for you Rob. We know there is an ADU that is being rented and he has a right to do that. We passed an ordinance allowing ADU's but there are also two travel trailers in addition to the ADU's. Do we know if they are being rented or being set up to rent?

Testerman: Not to our knowledge but we have heard reports. Our code enforcement officer has been checking every now and then. We do not have anything in our ordinance that prevents you from having any number of travel trailers on your lot, they just cannot be occupied. At this point we have not seen any evidence that they are. It is something that we are keeping an eye on.

Perry: But the key is you can have them, but you cannot occupy them, let alone rent them. I am pretty sure council is all in agreement we want you to keep a tab on that. Council anything else?

Not seeing anyone wishing to speak or hearing any further comments, **Councilman Pruitt moved to return to regular session. It was seconded by Councilwoman McClean and the vote was unanimous, 5-0.**

Perry: You have heard a lot. What do you want to do?

Councilman Pruitt made a motion to deny the proposed subdivision variance. The town council finds that allowing the variance would not be in the best interests of the town. MPT Garriss seconded, and the vote was unanimous, 5-0.

Perry: Your talking tonight is exactly what you should have done. This is the way you resolve things like this.

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9. PLANNING

a.) McCollough Subdivision – 740 W Kitty Hawk Rd; proposed four lot subdivision review.

Planner Testerman reviewed the following staff report.

Proposal

The applicant has submitted an application and preliminary plat for the subdivision of the parcel at 740 W Kitty Hawk Rd. The plat outlines a proposal to subdivide one existing parcel totaling 2.42 acres on the north side of W. Kitty Hawk Rd into four lots. No public or private road is proposed as a part of this subdivision, however, there is a proposal for an improved access easement to be maintained and repaired by the property owners. The four lots would be 37,154 sq ft or 0.85-acre total area, 30,117 sq. ft. or 0.69-acre, 23,205 sq. ft. or 0.53 acre and 15,023 sq ft or 0.34 acre.

Staff Analysis

Zoning: The subject property currently has a single-family home and associated accessory structures, and is zoned VC-1, village commercial. The VC-1 district allows single family residences as a permitted use, by-right, with limited permitted commercial as an accessory to the single-family residence.

Lot Size: The minimum lot size in the VC-1 district is 15,000 square feet.

Wetlands: Wetlands designated by the U.S. Army Corps of Engineers – 404 Wetlands (USACE) are included in the lot size calculations. A large amount of area on the site are USACE wetlands, however the proposed lot divisions are done in a manner to contain an adequate building area. The applicant has provided a letter from Atlantic Environmental Consultants, LLC confirming that the wetlands line indicated on the plat are currently valid and awaiting a verification letter from the US Army Corps of Engineers. No changes are anticipated, however, as the wetlands on site are 404 wetlands, and not CAMA wetlands, they are allowed to be counted in the minimum lot size calculations; therefore, any unanticipated change to the wetlands line would have no impact on the subdivision approval process.

Density: Sec. 42-276 does not list a specific density requirement for the VC-1 district; however, the future land use plan designates this area as low density residential, which is defined as averaging two dwelling units per acre. The proposal for four dwelling units upon 2.42 acres calculates to approximately 1.7 dwellings per acre, which would be consistent with the land use plan.

Lot Width: The minimum lot width in the VC-1 district is seventy-five feet (75'), measured at the front building setback line on each parcel, with a minimum width of at least fifty feet (50') at the road frontage. As shown on the plat, each proposed lot meets this requirement.

It should be noted that Sec. 38-105(b)4 expressly prohibits flag lots, however, after discussing the proposed configuration with the Town Attorney, it was determined that as the lots meet the minimum road frontage requirements, and maintain that 50 foot width back to the building area, these proposed lots do not meet the definition of a "flag lot", defined by 38-1 as "a lot which has a narrow frontage on a street and a thin strip of land which provides access from the street right-of-way to a wider portion of the lot."

Building Setbacks: Minimum building setbacks in the VC-1 district are 15 in the front, and 20 feet in the rear. There are no specific side yard setbacks listed in 42-276. The minimum building setbacks are shown on the preliminary plat.

Road Frontage: Lots must have a minimum road frontage fifty feet. It appears that all three lots will comply with this standard.

Road Rights-of-Way: There are no new rights-of-way proposed as part of this subdivision, however, there is a private access easement proposed to come off W. Kitty Hawk Rd in one single location that would access all four lots. Owners of the lots would be responsible for maintenance and repair. Additionally, in preparing the subdivision plat, it was determined that the

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road frontage on W. Kitty Hawk Rd had never been dedicated to NCDOT. As part of the subdivision proposal, the applicant intends to dedicate the right-of-way fronting the parent parcel to DOT.

Road Access: The proposal includes one curb cut onto W. Kitty Hawk Road that would access all four lots via an access easement, which would be maintained and repaired by the owners of the four lots. As it is not proposed to be a public or private street, it is not required to meet Town road standards. Between lots 3 and 4, there is a 25'x75' fire apparatus turnaround to be marked with "No Parking – Fire Lane" signage. The proposed improved access easement is similar to those done on the west side of The Woods Rd in the Southern Woods Cottages subdivision.

Fire Hydrants: The applicant has proposed to install one new fire hydrant along W Kitty Hawk Rd near the entrance of the access easement. The Dare County Water Department has granted approval of the hydrant location and specifications as part of its review.

Septic: All the proposed lots will be served by individual, onsite septic systems. A septic permit must be obtained from the Health Department prior to the issuance of a building permit for each lot.

Land Use Plan

The Town of Kitty Hawk's adopted CAMA Land Use Plan designates the subject parcels as a "Low Density Residential Area" on the future land use map. A "Low Density Residential Area" is defined as a density averaging two (2) units per acre with lots of 15,000 square feet or greater.

The Land Use Plan also contains the following goals, policies, and objectives relating to this request:

POLICY #11c: Kitty Hawk will review and analyze development and redevelopment proposals for consistency with the future land use map included in this land use plan.

POLICY 4b: Kitty Hawk will maintain the pattern of current development specifically low density residential (no more than 4 dwelling units per acre) and small-scale commercial development with provisions for discretionary review of large scale commercial development.

OBJECTIVE #11d: Evaluate development and redevelopment proposals according to goals, objectives, and policies and the land suitability analysis and the future land use map developed as a part of this land use plan.

Planning Board Recommendation

At its June 17, 2021 meeting, the Planning Board unanimously recommended approval of the proposed preliminary/final plat for 740 W. Kitty Hawk Rd.

Hines: *Has a nationwide permit been applied for from the Army Corps or is one going to be needed?*

Carlos Gomez, Coastal Engineering and Surveying, Inc: *It is not necessary. The homeowners could potentially want to do their driveway like some people did in Kitty Hawk Woods.*

Hines: *And we talked about a fire hydrant, correct?*

Gomez: *Right. It is shown.*

Hines: *I see it there, but is the Fire Marshal going to require a flow test to be done?*

Testerman: *Ben Alexander reviewed the proposal and had no issues with what is presented. As it is shown now it falls outside of the wetlands area so for the access easement it does not look like*

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you will need anything from the Army Corps. Then, as the individual houses are built after they are sold it looks like Lots 2, 3 and 4 have some wetlands in the area where a building might be but those are done on an individual basis by the lot owners as they came to build.

Gomez: *They do qualify as _____ wetlands so the owners can probably _____ part of 404.*

Hines: *For a certain amount, right?*

Gomez: (inaudible)

Garriss: *I am ready to make a motion.*

Gomez: *There is one thing I would like to add. To my surprise they had run a gas line on the south side of Kitty Hawk Road and the gas company is delighted to provide this subdivision with gas.*

Perry: *You would be surprised that a lot of West Kitty Hawk Road is not owned by the state, but I dare a homeowner or property owner to try and take it back because I do not think that would work. They would just condemn it and keep on trucking.*

Gomez: *What they do is give you a maintenance agreement for 17 feet _____. They could claim the roads.*

Perry: *It is unique probably to Kitty Hawk being an old town. When I was growing up the saying was that the state found a black snake crawling across the road and a steam roller crossed him. That is how we got the crooked road going into Kitty Hawk. I have heard that all my life.*

MPT Garriss made a motion to approve the preliminary and final plat for the McCollough subdivision that subdivides one existing parcel at 740 West Kitty Hawk Road into four lots as shown on the submitted plat. Councilwoman McClean seconded and the vote was 5-0 to approve.

b.) Town Code Text Amendment. Chapter 8.- Buildings and Building Regulations. Staff proposes amendments to the existing language to bring the chapter in conformity with NCGS Chapter 160D. (Ord. No. 21-07)

Planner Testerman reviewed the following staff report.

Background & Analysis

The proposed text amendment is another in conjunction with making our Town Code, as well as our Zoning Ordinance consistent with NCGS 160D. Sections 160D-1119 through 160D-1125 (attached) provide. Since the language in those sections is already state law, these will be the procedures moving towards resolution of any unsafe buildings in the future. Having our Town Code reference will simply reinforce that the town has adopted the standards set by the state in Chapter 160D. After discussing the language with the Town Attorney, it was determined that rather than input the language directly, it would be appropriate to adopt it by reference. To that end, should the requirements in Sec. 160D-1119 through 1125 change in the future, the Town will not have to amend its Town Code to remain consistent.

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It should be noted that as this section is a part of the Town Code, separate from the Subdivision or Zoning chapters, the Planning Board is not required to review this proposal, and a public hearing is not necessary.

Sec. 8-5.- Same – Issuance of notice of violation, notice of condemnation or order.

(a) At any time after an inspector issues a notice of violation or notice of condemnation or issues an order pursuant thereto, any inspector, or at the inspector's request the town attorney, may file a notice of lis pendens with the clerk of superior court for the county. A copy of the notice of violation or notice of condemnation or a copy of the order shall be attached to the lis pendens. When the lis pendens is filed with the clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lienholder and tenants who may be determined by the exercise of reasonable diligence.

(b) Any inspector may cancel the lis pendens upon a determination by that inspector that the property is no longer unsafe and that the owner has fully complied with the inspector's order. Cancellation must be made, in writing, signed by the inspector and provided to the clerk of court.

(c) Buildings deemed unsafe shall be subject to those corrective procedures and processes described in N.C.G.S. 160D-1119 through 160D-1125.

For reference, sections 160D-1119 through 1125 are listed below:

§ 160D-1119. Unsafe buildings condemned.

(a) Designation of Unsafe Buildings. - Every building that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress, or other causes shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(b) Nonresidential Building or Structure. - In addition to the authority granted in subsection (a) of this section, an inspector may declare a nonresidential building or structure within a community development target area to be unsafe if it meets all of the following conditions:

(1) It appears to the inspector to be vacant or abandoned.

(2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, or fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(c) Notice Posted on Structure. - If an inspector declares a nonresidential building or structure to be unsafe under subsection (b) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the purposes of this section, the term "community development target area" means an area that has characteristics of an urban progress zone under G.S. 143B-437.09, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an area with similar characteristics designated by the governing board as being in special need of revitalization for the benefit and welfare of its citizens.

(d) Applicability to Residential Structures. - A local government may expand subsections (b) and (c) of this section to apply to residential buildings by adopting an ordinance. Before adopting such an ordinance, a local government shall hold a legislative hearing with published notice as provided by G.S. 160D-601. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1120. Removing notice from condemned building.

If any person shall remove any notice that has been affixed to any building or structure by a local inspector of any local government and that states the dangerous character of the building or structure, that person shall be guilty of a Class 1 misdemeanor. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1121. Action in event of failure to take corrective action.

If the owner of a building or structure that has been condemned as unsafe pursuant to G.S. 160D-1119 fails to take prompt corrective action, the local inspector shall give written notice, by certified mail to the owner's last known address or by personal service, of all of the following:

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:

a. Constitutes a fire or safety hazard.

b. Is dangerous to life, health, or other property.

c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.

d. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

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(2) That an administrative hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the local government's area of jurisdiction at least once not later than one week prior to the hearing. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 33, 51(a), (b), (d).)

§ 160D-1122. Order to take corrective action.

If, upon a hearing held pursuant to the notice prescribed in G.S. 160D-1119, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, the inspector shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than 60 days, as the inspector may prescribe, provided that where the inspector finds that there is imminent danger to life or other property, the inspector may order that corrective action be taken in such lesser period as may be feasible. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-1123. Appeal; finality of order if not appealed.

Any owner who has received an order under G.S. 160D-1122 may appeal from the order to the governing board by giving notice of appeal in writing to the inspector and to the local government clerk within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector is final. The governing board shall hear an appeal in accordance with G.S. 160D-406 and render a decision within a reasonable time. The governing board may affirm, modify and affirm, or revoke the order. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 34, 51(a), (b), (d).)

§ 160D-1124. Failure to comply with order.

If the owner of a building or structure fails to comply with an order issued pursuant to G.S. 160D-1122 from which no appeal has been taken or fails to comply with an order of the governing board following an appeal, the owner is guilty of a Class 1 misdemeanor. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 35, 51(a), (b), (d).)

§ 160D-1125. Enforcement.

(a) Action Authorized. - Whenever any violation is denominated a misdemeanor under the provisions of this Article, the local government, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(b) Removal of Building. - In the case of a building or structure declared unsafe under G.S. 160D-1119 or an ordinance adopted pursuant to G.S. 160D-1119, a local government may, in lieu of taking action under subsection (a) of this section, cause the building or structure to be removed or demolished. The amounts incurred by the local government in connection with the removal or demolition are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by the local government, the local government shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The local government shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(c) Additional Lien. - The amounts incurred by a local government in connection with the removal or demolition are also a lien against any other real property owned by the owner of the building or structure and located within the local government's planning and development regulation jurisdiction, and for cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

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(d) Nonexclusive Remedy. - Nothing in this section shall be construed to impair or limit the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 36, 51(a), (b), (d).)

Consistency with Land Use Plan

Policy #15A: Kitty Hawk will continue to adopt, enforce, and amend as necessary, ordinances and procedures to ensure public safety. The Town supports State and Federal laws and regulations and the enforcement of criminal statutes.

Policy #17A: Kitty Hawk will continue to adopt, enforce, and amend as necessary ordinances and procedures to regulate residential development and redevelopment. The Town supports applicable State and Federal laws and regulations regarding building, land uses, and development.

Perry: *Casey, am I reading this right? With the Bonanza buildings condemnation, this would have been helpful? I also read it if the town sees another building like those, we now have an obligation to do something about it do we not?*

Varnell: *Subject to, I suppose, your discretion in terms of what you believe the interpretation of 160D is to be for example.*

Perry: *We have another one just like it and something does need to be done. What I am really asking is if we do not do something once we pass this, does that put the town in ...*

Varnell: *The only reason I would say no is because generally the language throughout our Section 8 is "may" language, not "shall" language. The state statutes do not put a "shall" on us either. Whether we like it or not we are subject to 160D and those standards. This just kind of spells it out for us instead of all the research and piecemealing things like we did because we did not have specific references as to what is an unsafe building. We know we are subject to the state building code. That is what we relied on with Bonanza and this essentially incorporates the state building code. In the event council, the building inspector or even if a citizen comes forward with a request in the future, the question is going to be whether it is deemed unsafe. If it is straight forward and somebody comes and it meets the criteria then you may be tasked with making that decision*

Pruitt: *If it comes to the point where somebody says something really needs to be done, that building is dangerous, we are worried, can they come back and say look I told town council and they did not take any action. That is what I am wondering because I am sure I am not the only one that has heard complaints. If we are talking about the same piece of property which I am sure we are.*

Varnell: *Because of this amendment? No. But in general I suppose again there is always a layer of liability that exists if we as public officials ... if you are made known or something comes forward then action should at least be considered.*

Hines: *If we know about a property that is unsafe isn't it the inspector's or code enforcement officer's job to tag that house?*

Testerman: *They would inspect it.*

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Mayor Perry moved to adopt the proposed text amendment to Section 8-5 adopting by reference the processes and procedures related to unsafe buildings as described in NCGS 160D. The town council has found this proposal to be consistent with the town's adopted Land Use Plan. MPT Garriss seconded and it passed unanimously, 5-0.

Perry: *Now what I want to do, with council's permission, is direct the town manager to have staff go and look at the building across from the old Kitty Hawk School, the hostel. We know it has been flooded at least twice. The owner has died and it is in really bad shape. It is not getting any better and is dangerous.*

Pruitt: *About ten kids had a lemonade stand there just 100 yards from the building and they were running all in the woods.*

Perry: *It is an attraction.*

Varnell: *To follow up on your comments prior to your vote, this absolutely gives you something sturdier in terms of making these types of decisions. Having that language very clear. It is transparent and nobody from the public can say otherwise.*

10. NEW BUSINESS

a.) Agreement with Manns Woodward Studios for Architectural Services. (Task 1)

Stewart: *Task 1 of the agreement represents the preliminary design phase required to design the facility. The lump fee identified in the agreement is in the amount of \$55,135 and covers the initial planning phase for the project, conceptual plans, geotechnical evaluations, site layouts, cost estimates and meetings required to design a functional building to meet the needs of the Police, Fire and EMS stations.*

I know the mayor was concerned about not spelling out having a public meeting which was going to be important because we do have some residents that I am sure live in that area and the general public will probably want to participate. They included it on page 6, number 4(f).

Perry: *I asked him to add that because to just suddenly start building a station and nobody knows what is going on ... and we learned a lot when they did the open meeting for the fire station. Unfortunately, the architect did not take any of it into account so it cost us extra money but that is not the case here. That is the reason I asked for the meeting.*

Stewart: *We will be able to come up with a cost as we go through this process. We will be able to do some value engineering and things like that in order to come up with an estimated cost based on the current market rates for construction of government facilities.*

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Perry: *And I have asked also to sit in on some of that even though I am not a part of the committee because when they did the fire house there were mistakes made and maybe I can point them out.*

Hines: *Is there any way to shore up the Task 1 times? I mean 60-90 days.*

Perry: *They must consult with three different entities.*

Hines: *I understand.*

Stewart: *I can ask them. I can let them know this is a priority.*

Hines: *That is where I am going with it.*

MPT Garriss made a motion to approve Task 1 of the agreement between the Town of Kitty Hawk and Manns Woodward Studios Incorporated in the amount of \$55,135. Councilman Hines seconded and it passed unanimously, 5-0.

b.) Discussion of the Purchase of Two Stormwater Pumps

Perry: *The manager is upset with me because I want him to spend some money quickly and we did not plan on it. We have already done a budget, but we had nature dump on us a pretty good amount of rain. It was not a named event and it came out of nowhere. It happens. We actually need three pumps and could have used four.*

I made some notes to try and get you folks to understand why I think this is needed now and not try and work it into a CIP. The first thing I am going to tell you is when this happens ... right now we are packed, every house is occupied and pumping affluent into the ground and things like that ... but they also know how to email me, they know how to call me and they give me four words, turn on the pumps. They expect service and we have reached a point now where the expectation is high enough and we need to deliver it.

The number of named storms is already up to "E" and we are expecting one to come across us soon. We will get a little something, a little sound side flooding from it.

The original thought was two pumps and the reason for that is we were renting all the pumps based on a named storm and their path. I was sitting with the emergency management group trying to make a decision. Do you rent pumps? If you put them on standby, they cost you a bunch of bucks, if you bring them down and you do not use them, they cost you a bunch of bucks. So, it is really a tough decision to make and try to be fiscally responsible. I decided I needed two pumps because FEMA, during the last couple of storms, went out and rented all the pumps. They were not even available. We used a smaller pump at one point because that is all we could get. So, we need more pumps.

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Ocean over wash is a different story. We have seven stations, maybe we need seven pumps, but we do not need them for a rain deluge. Maybe starting next year, you should start budgeting a pump in the CIP which is how we got the two pumps we have.

I do not want you to go in this blind. I want you to understand if we own the pumps then FEMA does not reimburse us for the cost to rent them, but we have them here. We have made the decision; they are available to service our constituency and that becomes to me more important. All we will get back is whatever labor it took to get them out there, park them, tend them.

I want us to direct the manager to go buy two pumps. The pumps are about \$50,000 each with equipment. These pumps are a little cheaper than newer ones because the newer ones have environmental items on them, and they are going to run the cost up to about \$70,000. We can get two of them. Because this deluge happened over the weekend, if we had ordered pumps, bringing them down was \$1,000 just to bring them down and then almost \$2,200 a day rental and it would have taken 48 hours minimum to get them here. You see where I am going. We need the pumps on hand. What I am asking you to do is join with me and say, Mr. Manager, you have some money set aside, I understand why you wanted it aside, but we need \$100k or so to get two more pumps down here as soon as you can get them so that with the next deluge, we can do Tateway, Starfish and Byrd Street. I am missing one. Willie?

Midgett: *Hallett Street.*

Perry: *Yes, that was a big one. Those are the four that with a rain deluge we need to be able to get onto. Do you agree with that?*

Council said yes.

Garriss: *Can you make that happen Andy?*

Stewart: *I work for you all.*

Perry: *Get us some pumps down here. I do not think we will need them for this storm, but the way things are going Willie, I think we will need them.*

Pruitt: *They were nice to have on hand during this last rain. When I drove around that morning people were checking in and they were unloading their luggage in knee deep water. I went back that afternoon, and you could see where the water steadily went down at a pretty good pace. I think more pumps will cause the water table overall to go down faster. I am all in.*

Stewart: *Willie, from a level of service outlook on four more pumps, what will it do as far as quicker pumping in that area? As far as manpower, set up time, things like that. How much time will it save us in your opinion because I am not there when you pumped over the weekend or during the last storm event.*

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Midgett: *Having them and being able to pump if the ocean is down, not from a storm, but just rain, at least half the time and sometimes even faster. This past time was really fast because we got approval quickly and we were pumping within a few hours.*

Stewart: *How long does it take to pump out just one section?*

Midgett: *Depends on which section. Tateway takes longer because we are pumping a lot more. Starfish takes a long time because we are pumping a lot. Six hours we had Hallett Street pumped down almost dry.*

Stewart: *You said Byrd Street ...*

Midgett: *We did not pump Byrd Street this time.*

Stewart: *So, there are some of them we need to look at to make improvements on?*

Midgett: *At Byrd Street there is not a whole lot else that is going to happen to that one. It is always going to be a trouble spot just because of the level of land in that area. It is wet anyway. It would have been the last spot we went to because we prioritize by the number of properties that are involved so that is why we went in the order that we did.*

Stewart: *I think it will reduce the number of phone calls we receive because if they see all the pumps going ...*

Pruitt: *Willie what you are doing is you go to the place that has the most water with the first two pumps. Then you pump there, unhook everything and move.*

Midgett: *That affects the most properties.*

Pruitt: *But you must do one spot then you unhook and move everything. Then completely hook it up. If we had the two extras, we could hook them all up at once so it would really kind of reduce the work a little bit as far as moving them around place to place.*

Midgett: *And trying to move them quickly. We could get them pumping first and not be as rushed getting things down. Less chance of accidents and everything else.*

Pruitt: *Trolling out those big hoses to the ocean I know it takes time.*

Stewart: *I think eventually you would be looking at a permanent pump at each station, so you flip a switch.*

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Perry: *I do not know how you would do that because they are right at the road and the road is right there at the berm. Right now, if we get two more pumps ... we have the four major spots that gives us problems. The decision whether to rent pumps will not be hanging over somebody. We need them and the future council should start looking at buying more.*

Pruitt: *It is a lot of pressure when you must make up your mind whether to rent.*

Perry: *I missed it once.*

11. TOWN MANAGER

Stewart: *July 15th, 11 a.m., at the Kitty Hawk Park we are going to have our opening of the connector trail. It opens up about 1.8 miles of trail in the woods. They are still finishing some of the small things out there but July 15th the public is welcome to come out. We are going to have some hot dogs, chips and drinks. The work was all 100% funded with grant funds and a lot of people on the council had a lot to do with making this happen. We are excited about it.*

12. TOWN ATTORNEY

There were no comments from the attorney.

13. TOWN COUNCIL

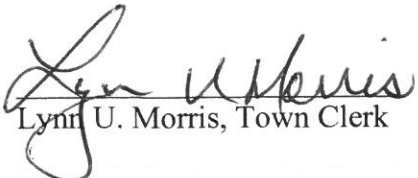
Garriss: *Thanks to staff and thanks to all the speakers that came forward earlier. I know it was heartfelt and that is what we need to hear.*

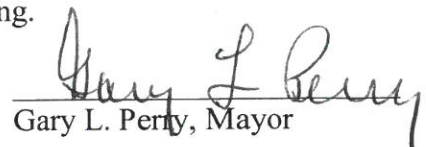
Perry: *I was going to speak to the young lady that spoke first about the speed limit on the bypass. That is controlled by the state. I know Nags Head wanted 45 mph from one end to the other and they did not get it. A request was made so Andy let the state know there are some people speaking and concerned about it. I do not know where you would put another crosswalk with a signal. You have Kitty Hawk Road and 7-11 and you have Eckard and there is really no other practical place to put one because there is not a cross street.*

14. ADJOURN

Mayor Perry made a motion, seconded by Councilwoman McClean, to adjourn. The vote was unanimous, 5-0. Time was 7:32 p.m.

These minutes were approved at the August 2, 2021 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor